

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rudolfo TORREZ,

Defendant

Magistrate Docket No. 08 MAR -4 AM 9:43

COMPLAINT FOR VIOLATION OF:


Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **March 3, 2008** within the Southern District of California, defendant, **Rudolfo TORREZ**, an alien, who previously had been excluded, deported and removed from the United States to **El Salvador**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **4th** DAY OF **MARCH 2008**



Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:
Rudolfo TORREZ**

PROBABLE CAUSE STATEMENT

On March 3, 2008, at approximately 4:55 a.m., Border Patrol Agent M. Denning was performing line watch duties for the Chula Vista Border Patrol Station in an area known as "CHP Lot." This area is located approximately one mile east of the Otay Mesa, California Port of Entry and approximately 100 yards north of the United States and Mexico International Border.

Agent Denning, responded to a radio transmission from the infrared scope operator, Border Patrol Agent K. Ruffner, who observed four individuals running north. Agent Denning encountered four individuals. Agent Denning identified himself as a United States Border Patrol Agent and questioned each individual as to their citizenship and nationality. All four, including one later identified as the defendant **Rudolfo TORREZ**, admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to remain in the United States legally. Agent Denning placed the individuals under arrest and had them transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **El Salvador** on **October 17, 2007** through **Phoenix, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.